

REMARKS

The reissue oath/declaration stands as being defective. The format of the claims is objected to. Claims 21, 22, and 24 stand as rejected. Claim 23 is noted as missing. Claims 1-2, 4-20, and 25 stand as allowed. The Applicants thank the Examiner for acknowledging the patentability of Claims 1-2, 4-20, and 25.

Remarks regarding the Claim Amendments

The Claims have been amended to use brackets rather than a strike-through font to indicate deletions as per the instructions of the Examiner.

Claims 21, 22, and 23 have been cancelled.

The Examiner noted that Claim 23 was missing. The Applicants believe that canceling the missing claim is the appropriate action. If other action is required, the Applicants respectfully request that the Examiner contact the Attorney of Record, Gene L. Tyler, so that action may be taken to avoid a further rejection based upon this issue.

ARGUMENTS

The Examiner has indicated that the oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application.

The claims have been amended to use brackets rather than striking through and are now believed to be in condition for allowance.

The Examiner indicated that the reissue oath/declaration is defective because it fails to identify at least one error which is relied upon to support the reissue application.

Attached hereto is a new oath/declaration wherein it is stated clearly in the box at the top of page two that the error relied upon by the Patentee/Applicant is that the Patentee claimed more than he had a right to claim in the patent.

Claims 21, 22 and 24 stand as rejected under 35 U.S.C. §112 because it is the Examiner's position that the specification does not support the limitations of functionality.

Claims 21 and 22, which has a functionality limitation of 1.5 are cancelled. The remaining claim at issue, claim 24, has a functionality limitation of 1.7. Support for this limitation may be found in Example 1.

In Example 1 at page 8, lines 17-18 a linear hydrogenated butadiene polymer having about two terminal hydroxyl groups per molecule is prepared. Table 1 at page 13 shows that the EO capping efficiency of Example 1 is 82%. In view of the fact that the polymers here have two positions that can be capped, an 82% capping efficiency translates into 1.64 functional groups per molecule.

If follows then, that the definition of about 2 in Example 1 supports a broader definition of about 2 to include at least 1.64, therefore it follows that Claim 24 is within this broader definition and is therefor not indefinite.

It is believed that Claim 24 is now in condition for allowance under 35 U.S.C. §112.

CONCLUSION

For all the foregoing reasons, the Applicants submit that the application is in a condition for allowance. No fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 501951 (KPR-T3229A).

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I do hereby certify that this correspondence is being transmitted via facsimile, to: Examiner Bernard Lipman, Commissioner for Patents, facsimile no. (571) 273-8300, on this 22nd day of February, 2006.


Gene L. Tyler